IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3624 OF 2005
IN
CRIMINAL APPLICATION NO.3625 OF 2005

Jayesh P. Tolia ...Applicant
vs.
State and another ...Respondents

Mr.C.R.Dave i/b Mr.R.Sathyanarayanan for the Applicant
Mr.A.S.Shitole,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 11,2006.

P.C.:

1. Heard Advocate appearing for the Applicant. The prayer in Criminal Application No.3624 of 2005 is for quashing the proceedings of case No.477/P/2000 pending in the Court of Additional Chief Metropolitan Magistrate, 19th Court, Mumbai. The prayer in Criminal Application no.3625/2005 is for quashing another proceedings in case No.478/P/2000 pending in the same court.

2. In both the cases, an Application was made by the Applicant under section 239 of the Code of Criminal Procedure, 1973 for discharge. The said Application was rejected. Being aggrieved by the rejection of the said Applications, Revision Applications were filed in the Sessions Court. The said Applications were dismissed on merits. Being aggrieved by the orders passed in the Revision Applications, the present Applicant filed Criminal Application Nos.3411 of 2002 and 3410 of 2002 in this court. In paragraph 14 of the Criminal Application No.3624 of 2002, the Applicant has stated thus :

"14. Being aggrieved by the impugned order dated 24-4-2002, the Petitioner filed Criminal Application No.3411 of 2002 in this Hon'ble High Court of Judicature at Bombay. However, the said Criminal Application came to be dismissed for non removal of office objections..."

In paragraph 14 of the Criminal Application No.3625 of 2005 the Applicant has stated as under :

"14. Being aggrieved by the impugned Order dated 24-4-2002, the Petitioner filed Criminal Application No.3410 of 2002 for quashing of the above proceedings. However, the said Petition came to be dismissed for non removal of office objections and in the said premises the present Petition by Order dated 9-12-2004 passed by this Hon'ble Court..."

3. The said averments show that earlier Applications were filed for quashing the proceedings which were dismissed for non prosecution on 9th December 2004. The present Applications have been filed on 8th June 2005. No Applications have been made for restoration of earlier Applications. These are the fresh Applications filed for quashing the proceedings. Power under section 482 of the Code of Criminal Procedure, 1973 has to be exercised sparingly and in exceptional cases. These Applications cannot be entertained and the same are rejected.

JUDGE